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JOHN H. MARSHALL
jmarshall@drm.com

July 31, 2009

Mrs. Susan M. Hudson, Clerk
Vermont Public Service Board
Drawer 20, 112 State Street
Montpelier, VT 05620-2701

SUBJ: Docket No. 7082: Petition of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., for a certificate of public good to construct a dry-fuel-storage facility at the Vermont Yankee Nuclear Power Station, in Vernon, Vermont

Dear Mrs. Hudson:

On behalf of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., we are filing for the information of the Board and the parties a letter dated July 30, 2009, from Mr. Michael Colomb, Site Vice President, to the Clerk of the Board concerning Paragraph No. 5 of the Memorandum of Understanding, approved in Docket No. 7082.

Very truly yours,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Entergy Nuclear Vermont Yankee, LLC, and
Entergy Nuclear Operations, Inc.

By:


John H. Marshall

JHM:lrm/3163242

Enclosures

c: Service List
William B. Glew, Jr., Esq.
William C. Dennis, Esq.



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Entergy Nuclear

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320 Governor Hunt Road
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Tel 802 451 3102
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Michael J. Colomb
Site Vice President - VY

July 30, 2009

Mrs. Susan M. Hudson, Clerk
Vermont Public Service Board
Drawer 20, 112 State Street
Montpelier, VT 05620-2701

Petition of Entergy Nuclear Vermont Yankee,)
LLC, and Entergy Nuclear Operations, Inc., for a)
certificate of public good to construct a dry-fuel-) Docket No. 7082
storage facility at the Vermont Yankee Nuclear)
Power Station, in Vernon, Vermont)

Dear Mrs. Hudson:

On behalf of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Entergy VY), we write to report to the Board and parties that Entergy VY has issued a Condition Report that pertains to Paragraph 5 of the Memorandum of Understanding, made as of June 21, 2005 (DFS MOU), between Entergy VY and the Vermont Department of Public Service (DPS), approved by the Board in Docket No. 7082 in connection with the Board's issuance of a certificate of public good (CPG) for the dry-fuel-storage facility at the Vermont Yankee Nuclear Power Station. Paragraph 5 of the DFS MOU reads:

5. Monitoring. The Company will monitor the temperature on each cask located on the DFS pad continuously using an electronic-monitoring system contemplated by the Company's current DES-system design. *Monthly the Company will manually conduct radiation surveillance of each such cask. The DPS and the Company, in consultation with the Department of Health, will develop a protocol for reporting the results of such monitoring and surveillance to the DPS and the Department of Health.* (emphasis added)

On June 23, 2009, Entergy VY determined that it had not initiated monthly radiation surveillances of the five casks following the initial radiation surveillance conducted at the time each of the five casks were loaded. Entergy VY also determined that a protocol for reporting the results of temperature monitoring and radiation surveillance to the DPS and Department of Health (DOH) had not been developed. Entergy VY has employed a calculation to determine the amount of radiation at the casks that is used to determine the site boundary dose. This conservative assumption for the cask contribution of dose has been transmitted via existing monthly site boundary dose reporting protocols the company has established with DOH.

Clerk, Susan M. Hudson

July 30, 2009

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Entergy VY confirmed that the electronic temperature monitoring system required by Paragraph 5 of the MOU is in place and operating.

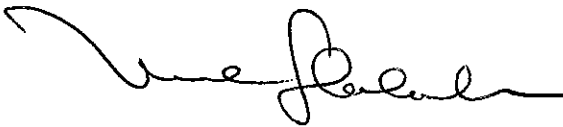
Entergy VY issued a Condition Report to initiate corrective actions based upon this determination. Following an internal investigation, Entergy VY informed the DPS and the DOH of its findings. Entergy VY also completed a radiation surveillance of the casks on June 23, 2009, and forwarded the temperature and radiation monitoring results to both the DPS and DOH. The results of the temperature monitoring indicate that the temperature on each cask is within expected values and that there have been no anomalous temperature readings or other performance issues with the casks since the initial cask loading beginning in May 2008. The results of the radiation monitoring show that the radiation levels on each cask have not increased over the period since the casks were loaded and show that the dry fuel casks are performing as designed.

On July 9, 2009, Entergy VY participated in a meeting with the DPS and DOH and developed a protocol for reporting the temperature and radiation monitoring results to the DPS and DOH. The protocol provides that Entergy VY will forward the cask radiation and temperature surveillance monitoring results to both the DPS and the DOH on a monthly basis for their review. On July 23, 2009, Entergy VY completed the cask radiation monitoring surveillance and forwarded the results to DPS and DOH in accordance with the new protocol. The results indicate that the casks are functioning as designed with no performance issues.

Entergy VY is performing a review of all current MOUs to ensure all other actions or requirements have been completed, or continue to be completed as anticipated. In addition, a review of all previous and current Board Orders and CPGs is in progress to ensure all required actions have been implemented. Entergy VY is developing improved administrative controls to more formally track actions required by current and future Board Orders, CPGs and MOUs.

While Entergy VY regrets this oversight, at no time was the health and safety of the workers or the public at risk. Site boundary radiation monitoring equipment, that would provide indication of any additional exposure, remained in service throughout this entire period, and has been reviewed to ensure no unaccounted for exposure from the dry fuel casks has resulted.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan M. Hudson", with a long, sweeping horizontal line extending to the right.

cc: David O'Brien, Commissioner, Department of Public Service
Jay K. Thayer, VP, Operations